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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,504	04/06/2001	John Tree	SONI-5800	5728

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EXAMINER	
MENGISTU, AMARE	
ART UNIT	**PAPER NUMBER**
2673	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/827,504	TREE, JOHN	
	Examiner	Art Unit	
	Amare Mengistu	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/4/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-25,32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed does not disclose the currently amended claim limitations. The newly added claim limitations to claims 1 and 32 "***wherein said time is after a start time of said content and said time is before an end time for said content***" was not discloses in the specification as originally filed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claim20-22, 24-25 and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Deguchi (6,578,047)**

As to claim 20, **Deguchi** discloses a method of receiving a data wherein said data indicates a time (col.10, lines 57 – col.11, lines 6; also see, figs.10 and 13) and said data represents content that is broadcasted at said time (col.11, lines 6-28,see, figs.10 and 13); and displaying the data (see, figs.10 and 13 "*book mark*"). It is obvious that the data of **Deguchi** is equivalent to applicant's data mark, since the applicant did not explicitly define the phrase "data mark" in the claim.

As to claims 21 and 22, **Deguchi,** teaches deterring and outputting the maximum number of data marks have been received (see, col.15, lines 50- col.16, lines 4) and output signals includes an audio signal and a display signal (col.16, liens 35-50).

In regard to claims 24 and 25, **Deguchi** also discloses displaying (illuminating) received data mark (col.11, lines 1-15) and the data mark includes one or more of a time and date stamp information (see, fig.10 [53], col.10, lines 66-col.11, lines 6).

As to claim 26, **Deguchi** teaches a method of detecting a connection to a gateway device (fig.9 [S13], col. 9, lines 39-44), transmitting a stored data mark to said gateway device (see, fig.9 [S14]; see, col. 9, lines 42-44) wherein said stored data mark indicates a time (see, fig.9 [S11] and [S15]) and said stored mark represents content that is broadcasted at said time (fig.9 [S15] and [S16]; col.9, lines 39-44; 53-62); receiving data corresponding to said stored data mark and displaying said received data wherein said received data identifies said content (col.9, lines 39-52; col.10, lines 57 – col.11, lines 15).

As to claims 27-28, **Deguchi** also discloses detecting a disconnection from said gateway device (see, fig.9 [S13]) and resetting said stored data mark (fig.9 [S14]).

As to claims 29-31, **Deguchi** teaches said connection is USB cable (col.6, lines 22-24); said gateway device includes a personal computer (col.5, lines 34-35), and said received data includes one or more of text data, still image data, animated image data, and video data corresponding to said stored data mark (col.8, lines 47-51, col.10, lines 57-col.11, lines 15, also see figs. 10 and 13).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Deguchi**

As to claim 21, **Deguchi** teaches determine and outputting the maximum number of data marks have been received, but has failed to disclose that the maximum number is nine. However, It would have been obvious to one skilled in the art at the time of the invention was made to have recognize that the **Deguchi's** maximum data received could have any number (including nine) to determined the maximum of data received.

4. Claims 1-11,14 -16 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaJoie et al** (5,850,218) in view of **Wilmore** (6,680,714).

As to claims 1 and 32, **LaJoie et al** (hereinafter **LaJoie)** teach s display unit including a plurality of windows (see, figs.14, 16) an electronic data mark device comprising: an input unit for inputting data marks wherein each said data mark indicates time and content of broadcasted (see, fig.16 [346]; [348]; [350]); said display unit is configured to receive said data marks from said input unit and correspondingly display said data makes on said plurality of windows (see, fig.16 [340]; [346]; [350]). **LaJoie has** failed to teach that the display unit has a plurality of display panels. However, **Wilmore** is cited to teach that it is well known for a display unit to have plurality of display panels/display screens positioned and housed within a display unit (Abstract; fig. 1[11], col.5, lines 26-30).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to have substituted the plurality of windows of **LaJoie** with a display panels of **Wilmore**, because this will allow the user to easily view each separate presentation of the display screens.

As to claim 2, **Wilmore** also teaches a CRT and touch screen display unit (col.5, line 30; lines 46-52).

As to claim 3, **Wilmore** disclose a base mounted to say display unit for vertically supporting said display unit (see, fig.1 [11]).

In regard to claims 4-7, **Wilmore** teaches the display panels on said display unit are non-overlapping and have the same dimensions (square) with a uniform array (see, fig.1 [14]).

As to claims 8-11, **LaJoie** furthermore teaches said display unit is selectively display an indication of said received data marks on a corresponding one of the display windows (for example see, fig.16 [340] where it receives data marks in on of the windows) and indicates for receiving data marks by highlighting and illuminating (see, fig.16, [340]; [352]; [392]). The data mark also including information corresponding to a musical file (fig.519; 20A; 20B [67]; [71] "music"). It is obvious that the music file will include text and image information.

In regard to claims 14-16. **Wilmore** also teaches an output unit for coupling an external device (see, fig.1 [24]), It is inherent for **Wilmore's** device to have some sort of a port in order to be connected between the computer (fig.1 [26]) and the displays (fig.1 [11 or 16]). The external device includes a personal computer (fig. 1[26]).

5. Claims 12-13,17-19 are rejected under U.S.C. 103(a) as being unpatentable over **LaJoie** in view of **Wilmore** as applied to claims 1-11,14 -16 and 32 further in view of **Henrick** (6,507,727).

As to claims17-19, **LaJoie** as modified by **Wilmore** discloses a data mark display device and a computer external device, but did not explicitly disclose that the external device receives musical data mark and display the album, the title and the artist of the music. The patent of **Henrick** is cited to teach that it is well known for a computer to

display a musical marks including the album, the title and the artist name (col.2, lines 23-40,col.4, lines24-35, col.5, lines 1-3, also see, fig.5C).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to combine the method of displaying musical book mark on a computer with the computer system of **LaJoie** as modified by **Wilmore,** since this will allow the user to download the desired content to the computer the user will often have in his or her possession to hear the content at any desired time.

As to claims 12 and 13, **Henrick** also discloses that the input unit includes a button for television and music broadcasting (see, figs 5A-5C [504]). **Henrick** did not explicitly disclose that the button includes a spring, however; it would have been obvious to one skill in the art to recognize that the button of **Henrick** would have to have a spring or switch in order to select the information on a display.

Response to Arguments

6. Applicant's arguments filed on 11/17/2004 have been fully considered but they are not persuasive. Applicant argues that LaJoie fails to teach or suggest a data mark that indicates a time after the start time and before the end time. However, there is no support in the specification for the recited claim limitation as orignaly filled. There is no teaching in the disclosure that the data mark indicates a time after the start time and before the end time.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703)305-4880. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (703)305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Amare Mengistu
Primary Examiner
Art Unit 2673

A.M

May 6, 2005